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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,686	02/01/2001	Shigeki Watanabe	837.1960/JDH	3081
21171	7590	12/17/2004	EXAMINER PHAN, HANH	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ART UNIT 2633	
PAPER NUMBER				

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/774,686	Applicant(s) WATANABE, SHIGEKI	
	Examiner Hanh Phan	Art Unit 2633	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 4,9,17 and 21.

Claim(s) rejected: 1-3,5-8,10-16,18-20 and 22-32.

Claim(s) withdrawn from consideration: _____.

8. ☒ The drawing correction filed on 02/01/04 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: applicant's arguments to independent claims 1, 14 and 26 are not persuasive. In independent claims 1, 14 and 26 include the limitation of "an optical filter having transmission bands at longer and shorter wavelength sides than a center wavelength of said output optical signal output from said optical waveguide to remove component in which said chirp is small from said output optical signal, said transmission bands at longer and shorter wavelength sides being longer and shorter for a predetermined wavelength distant from said center wavelength" and the applicant argues that the cited references (Mamyshev and Taneda) fail to teach such limitation. The examiner respectfully disagrees. Although Mamyshev does not specifically teach an optical filter having transmission bands at longer and shorter wavelength sides than a center wavelength of an output optical signal output and transmission bands at longer and shorter wavelength sides being longer and shorter for a predetermined wavelength distant from the center wavelength, Mamyshev teaches an optical bandpass filter 14 (Fig. 1, col. 3, lines 53-56) to select the wanted wave-band and eliminate the signals being shorter and longer the wanted wave band selected and remove the noise signals. Furthermore, Taneda teaches an wavelength selection element 23 (Fig. 10, col. 3, lines 54-60) comprised of the dielectric multilayer optical filter removes the wavelength component except for a specified wavelength. Therefore, it is believed that the limitations of claims 1, 3, 5-8, 10-16, 18-20, 22-32 are still met by the combination of Mamyshev and Taneda and the rejection is still maintained.

Hanh Phan
Hanh Phan
Primary Examiner
12/13/04.